

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE AS TO SPECIFIC
	:	PROPERTY
NORMAN BEHAR,	:	
	:	82 Cr. 370 (JES)
Defendant.	:	
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WHEREAS, on or about May 14, 1982, NORMAN BEHAR (the “Defendant”), was charged in a ten-count Indictment, 82 Cr. 370 (JES) (the “Indictment) with conspiracy to commit racketeering in violation of Title 18, United States Code 1962(d)(Count One); racketeering activity in violation of Title 18, United States Code 1962(c)(Count Two); and mail fraud in violation of Title 18, United States Code, Sections 1341 and 2(Counts Three though Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1963(a)(1) and (2), any and all interests in State Public Adjusters, Ltd., (“State”), an entity Defendant owned, which the Defendant acquired and maintained, established, operated, controlled, conducted and participated, directly or indirectly, in the conduct of State through a pattern of racketeering activity in violation of Title 18, United States Code, Section 1962, and any and all interests in, securities of, claims against, and property or contractual rights of any kind affording a source of influence over the enterprise, including certain proceeds obtained, State stock, any and all positions with and ownership interest in State and the monies received and specified in the offenses charged in Counts One through Six of the Indictment;

WHEREAS, on or about June 11, 1982, the Court entered an Order on Consent, ordering the Defendant to post bail in the amount of \$125,000 in United States currency to be held in an interest-bearing account with the clerk of the court to secure the payment of forfeiture in the event of a conviction in this case;

WHEREAS, on or about June 14, 1982, the Defendant posted a Forfeiture and Appearance bond in the amount of \$125,000 in United States currency to secure any statutory forfeiture (the “Bail Funds” or the “Specific Property”) and the Clerk of the Court subsequently deposited the Bail Funds in an interest-bearing account;

WHEREAS, on or about October 7, 1982, the Defendant pled guilty to Counts Two, Three, and Six of the Indictment, pursuant to a plea agreement with the Government and consented to forfeit the Bail Funds;

WHEREAS, on or about March 7, 1983, the Defendant was sentenced, and the Court orally imposed the forfeiture of all right, title and interest of the Defendant in the Bail Funds to the Government;

WHEREAS, the Government asserts that the Bail Funds including any interest accrued (the “Specific Property”) constitutes the proceeds traceable to the offenses charged in Counts Two, Three, and Six of the Indictment that the Defendant personally obtained;

WHEREAS, on or about March 6, 2024, the clerk of court informed the Government that it had possession of the Bail Funds, including interest, in an interest-bearing account.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, all of the Defendant’s right, title and interest in the Specific Property is

hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, NORMAN BEHAR, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Preliminary Order of Forfeiture as to Specific Property, the United States Marshal Service (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances

of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:

/s/ Laura Taylor Swain

CHIEF UNITED STATES DISTRICT JUDGE

April 1, 2025

DATE